CLAIM AMENDMENTS

1.   (Currently amended) A method of placing an ad into ~~ads in~~ a digital video output stream, the method comprising:

while the digital video output stream of a digital video recorder includes video of a first mode but does not include the ad or video of a second mode, detecting that the digital video output stream should change from the video of the ~~a~~ first mode to the video of the ~~a~~ second mode, wherein the video of the first mode includes video of a user interface, and wherein the video of the second mode includes video of a program recorded at the digital video recorder;

obtaining [[an]]the ad~~; , wherein the ad is determined by a relationship between the first mode and the second mode; and~~

placing the ad into the digital video output stream so that the digital video output stream includes the video of the first mode and the ad but does not include the video of the second mode; and

thereafter, removing the video of the first mode from the digital video output stream and adding the video of the second mode to the digital video output stream so that the digital video output stream includes the video of the second mode and the ad but does not include the video of the first mode.

~~placing the ad into the video stream such that (i) at least a first portion of the ad is displayed along with video of the first mode, or (ii) at least a second portion of the ad is displayed along with video of the second mode.~~

AF amdt
NOT approved
for entry

jdc
6/16/08